

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, SEPTEMBER 23RD, 2008 AT 6:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Charles Wagner, Chairman
Wayne Angell, Vice-Chairman
Leland Mitchell
David Hurt
David Cundiff
Russ Johnson
Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Larry Moore, Asst. County Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, CMC, Clerk

Chairman Charles Wagner called the meeting to order.

PUBLIC COMMENT:

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Chairman Charles Wagner recessed the meeting for the previously advertised public hearings as follows:

Penhook Pointe, LLC, Petitioner and Mary Amos Brown Estate, Vicki Brown Alderman, Executor, owners, to apply for a Rezone for property currently zoned A-1, Agricultural District to RPD, Residential Planned Unit Development, with possible proffers and deviations on approximately 95.303 acres for the purpose of establishing a residential subdivision consisting for (40) single-family detached dwelling units. The subject property is currently zoned A-1 which does not prescribe a specific density, but states that this rural district may logically develop at low density. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates this area as appropriate for Low Density Residential development, with a density range of one to two dwelling units per acre. The applicant requests rezoning to RPD, which allows maximum density of three (3) units per acre for single-family dwellings. The subject rezone request would result in forty (40) single-family dwelling units, for a proposed net density of 0.42 dwelling units per acre. The property is located on State Route 601, Dudley Amos Road, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 48, Parcel # 7. (Case # REZO-6-08-2807)

Neil Holthouser, Director of Planning & Community Development, shared with the Board a the following PowerPoint presentation

SITE DETAILS


Tax Map Number:
48-7

Size:
+/-95.303 acres

Gills Creek Magisterial District

Applicant:
Penhook Pointe, LLC

Owner:
Mary Amos Brown Estate



9/23/2008

AMOS ESTATES

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EXISTING
CONDITIONS

- 6 mobile homes
- Two-story site-built home
- Fourteen docks
- Accessory structures
- Private road network



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AMOS ESTATES

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REQUESTS

CASE# REZO-6-08-2807

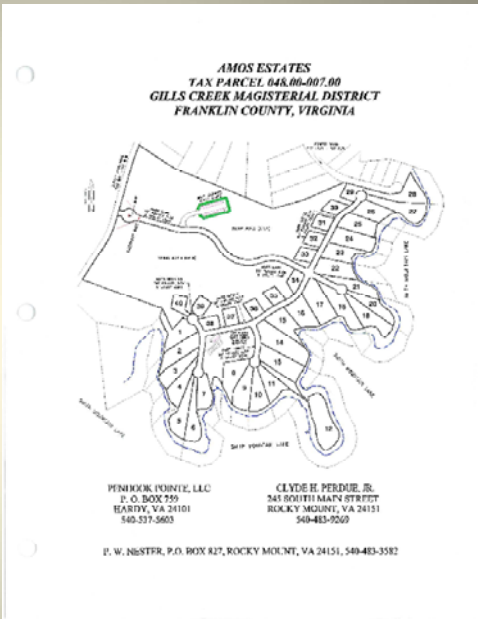
- Rezone from A-1 to RPD with deviations

CASE# SPEC-6-08-2808

- Special Use Permit for Private Roads

CASE# SPEC-6-08-2809

- Special Use Permit of a Recreational Vehicle Storage Lot



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AMOS ESTATES

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REZONE

- Agriculture (A-1) to Residential Planned Unit Development (RPD)
- 40 Lot Residential Subdivision
 - 28 waterfront lots
 - 12 off water lots
 - Private well and septic
- Deviations
 - Section 25-294 (Temporary)
 - Section 25-308(1)
 - Section 25-308(4)
 - Section 25-101(b)

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AMOS ESTATES

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Development Alternatives:

	Units	Density
Amos Mobile Home Park	105	1.10 units per acre
Theoretical Existing A-1	118	1.24 units per acre
Conceptual A-1*	73	0.77 units per acre
Conceptual R-1**	98	1.03 units per acre
Proposed RPD	40	0.43 units per acre

- * As shown in Appendix B of the Concept Plan-supplied by applicant
- **As shown in Appendix A of the Concept Plan-supplied by applicant

COMPREHENSIVE PLAN

- Low Density Residential
- Road Standards
- Interconnectivity
- Water and Sewer

STAFF CONCLUSIONS

- Proposed rezoning would result in significantly less impact to the County, Smith Mountain Lake, and neighboring properties.
- The proposed density is significantly lower than those permitted in the A-1 and RPD districts, and is lower than the density envisioned by the Comprehensive Plan.

STAFF SUGGESTED PROFFERS

- A commitment to develop the property in substantial conformance to the concept plan titled “Amos Estates.”
- A commitment to remove the existing mobile homes within one year of approval by Board of Supervisors.
- A commitment to preserve and maintain the existing natural buffer along Rt. 601

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AMOS ESTATES

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STAFF SUGGESTED CONDITIONS

- Substantial Conformance-property developed in substantial conformance to the concept plan
- Road Specifications-all private roads meet VDOT requirements
- Road Maintenance- document recorded obligating property owners to maintain all private roads
- Surety-surety posted for construction of private roads
- Expiration-SUP expires within 18 months if no significant progress shown

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AMOS ESTATES

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STAFF SUGGESTED CONDITIONS

- Substantial Conformance-property developed in substantial conformance to the concept plan
- Screening-double row of evergreens, with maximum 12 feet spacing between rows and maximum 12 feet spacing between trees, and a minimum of 6 feet in height at planting
- Vehicle Maintenance Prohibited-maintenance prohibited in the storage yard
- Expiration-SUP expires within 18 months if no significant progress shown

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AMOS ESTATES

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Clyde Perdue, Attorney, Representing Penhook Pointe, LLC, petitioner. presented his client’s petitions.

No one spoke for or against the proposed petitions.

(RESOLUTION #09-09-2008)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Proffers for Case # REZO-6-08-2807, Penhook Pointe, LLC:

1. The property shall be developed in substantial conformance with the approved concept plan on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Philip W. Nester.
2. The existing mobile homes shall be removed within one year from the date of rezone approval by the Board of Supervisors. No residential building permit may be issued for proposed Lots 2, 4, 11, 12, 23, 24, 26, or 28 until the existing mobile home unit located on any portion of the lot for which the permit is sought is removed.
3. No hardwood or other deciduous trees larger than eight inches in diameter measured at 6' on grade level shall be cut or removed within the proposed open space areas subject to the following conditions:
 - A. The right to remove all existing vegetation adjacent to the existing right of way of Dudley Amos Road (Route 601) to increase the visibility and sight distance for the proposed entrance and for the required twenty foot public utility easement, and as may be desirable for the Developer and/or Homeowners Association to enhance the development of the property.
 - B. The right to remove existing vegetation for the grading of any slope maintenance or drainage easement required for the construction of the proposed private roads together with the required twenty foot public or private utility easements.
 - C. The right to remove any vegetation required for the installation of any future public or private utility/recreation areas and /or the installation of replacement drain-fields.
 - D. The right to remove vegetation between the off-water lots from the proposed private right of way to the rear of each lot (designated as Lot 29 through Lot 40) in order to provide access to the open space areas and also allow removal for replacement landscaping subject to approval by the developer or the homeowner's association in order to provide a more uniform appearance with the residential lots.
 - E. The right to remove any vegetation adjacent to the existing buildings that may be damaged during demolition or otherwise remove the same so as not to create an odd appearance of trees.
 - F. The right to prune and/or remove any diseased or damaged trees within the open areas.

Deviations for Case # REZO-6-08-2807, Penhook Pointe, LLC:

1. To Section 25-308(1) to allow a typical detail unit to satisfy requirement to show individual driveways and off-street parking.
2. To Section 25-308(4) to eliminate screening and buffering along the perimeter of the project.
3. To Section 25-101(b) perimeter landscaping as required adjacent to A1, RE, R1, R2 and RC1 zoning districts.

MOTION BY: Russ Johnson

SECONDED BY: Bobby Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

Penhook Pointe, LLC, Petitioner, and Mary Amos Brown Estate, Vicki Brown Alderman, Executor, owners, to apply for a Special Use Permit for property currently zoned A-1 ,

Agricultural District, consisting of a total of +/- 6.3 acres for the purpose of private roads to serve forty (40) lots concurrent with a Rezone request. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates the area as appropriate for Low Density Residential development. The property is located on State Route 601, Dudley Amos Road, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County real estate tax records as Tax Map # \$ 48, Parcel # 7. (Case # SPEC-6-08-2808)

(RESOLUTION #10-09-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base.

Approved Conditions:

1. The private roads shall be developed in substantial conformance with the approved concept plan AND ALSO WITH the specifications of conditions as shown on sheet 7 on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Philip W. Nester, with the Item # 2 shown on Sheet 7 amended as follows:
 - a. ITEM 2. The developer shall record a document in the land records of the Clerk of the Circuit Court at the time of recording the subdivision plat obligating the property owners to pay for upkeep and maintenance of the private roads on a pro-rata share or other basis as determined.

MOTION BY: Russ Johnson

SECONDED BY: David Cundiff

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

Penhook Pointe, LLC, Petitioner, and Mary Amos Brown Estate, Vicki Brown Alderman, Executor, owners, to apply for a Special Use Permit for property currently zoned A-1, Agricultural Forestry/Rural Residential consisting of a total of +/- 0.764 acres for the purpose of a recreational vehicle storage lot to serve forty lots, concurrent with a Rezone Request. The future land use map of the adopted 2025 Comprehensive Plan for Franklin County designates this area as appropriate for Low Density Residential development. The intended land use is for a Recreational Vehicle storage lot which will serve a forty lot residential subdivision. The property is located on State Route 601 Dudley Amos road, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County real estate tax records as Tax Map # 48, Parcel # 7. (Case # SPEC-6-08-2809)

(RESOLUTION #11-09-2008)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

Conditions for Case # SPEC-6-08-2809, Penhook Pointe, LLC:

1. The recreational vehicle and boat storage yard/area shall be developed in substantial conformance with the approved concept plan and also with the specifications or conditions as shown on Sheet 6 on file in the Franklin County Planning Office titled "Amos Estates", dated June 24, 2008, as prepared by Philip W. Nester.

MOTION BY: Russ Johnson

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

The Franklin County Board of Supervisors will hold a public hearing at approximately **6:00 P.M.**, on **Tuesday, September 23rd, 2008**, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the proposed adoption of an ordinance titled **Chapter 22: Section 110 General Procedures Addressing Mandatory Connection of New Construction to the Franklin County Public Sewer System.**

SEC. 22-110. GENERAL PROCEDURES.

- (a) *Mandatory connection of new construction to the Franklin County Public Sewer System.*
- (1) No person shall make any connection to the Franklin County Public Sewer System or alter any fixtures so connected without first having received written approval from the Department of Public Works, its successors or assigns.
- (2) New structures and/or facilities shall be defined for the purposes of Franklin County Code section 22-110(a) as those which obtain a building permit following the passage of section 22-110 by the Board of Supervisors. New subdivisions and development for the purposes of section 22-110(a) shall be defined as those which are reviewed, approved, or permitted by the Franklin County Planning Commission, Board of Supervisors, Planning and Community Development Department, or Building Official, or their successors or assigns following the passage of section 22-110(a) by the Board of Supervisors.
- (3) New sewer systems for the purposes of offering such systems to the county for dedication and ownership according to Franklin County Code section 22-110 (b) and chapters 22, 19, and 25 shall be defined as those which are reviewed or approved by the Franklin County Planning and Community Development Department or the Public Works Department, or their successors or assigns, following the passage of sections 22-110 (b) by the Board of Supervisors.
- (4) All new structures and/or facilities which are located within three-hundred (300) linear feet of the county's public sewer system (as measured from the closest point of the structure to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system. The connection of such premise to the county's public sewer system shall not be required when access to the affected property requires the crossing of another property without an available easement, provided that county property and the property of the Virginia Department of Transportation shall be exempted.
- (5) All new structures and/or facilities, subdivisions, and developments with three (3) to fourteen (14) equivalent residential connections (ERCs) having a property line within six-hundred (600) linear feet of the county's public sewer system (as measured from the closest point of the property line to the edge of an easement or right-of-way including the public sewer distribution system) shall be required to connect to the county's public sewer system.
- (6) All new structures, facilities, subdivisions, and developments with fifteen (15) or greater equivalent residential connections (ERCs) shall be required to connect to the county's public sewer system if they meet the following distance requirements for the number of applicable lots or ERCs (the distance measured from the closest point of the property line to the edge of an easement or right-of-way including the county's public sewer distribution system):

TABLE INSET:

<i>Number of Lots or ERCs</i>	<i>Required Extension (Linear Feet)</i>
15-20	1,000
25	1,250
30	1,500
35	1,750
40	2,000
45	2,250
50	2,500

60	3,000
70	3,500
80	4,000
90	4,500
100	5,000
125	6,250
150	7,500

The county shall require up to 1,000 linear feet (L.F.) extension for 15--20 lots or ERCs, and each lot or ERC over 20 shall require an additional 50 L.F. extension. The maximum extension required is 7,500 L.F.

(7) Structures and/or facilities, subdivisions, and developments existing at the time of the passage of this ordinance (section 22-110(a)) are exempt from the requirement to connect to the county public sewer system so long as the septic tank or sewer system serving the property with sewage disposal meets the requirements of the Virginia Department of Health. The county may impose a connection fee, a front footage fee, and/or a monthly nonuser service charge that shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs. In the event of a privately owned septic tank or sewer system failure as determined by the Virginia Department of Health, existing structures and facilities which were served by the failed septic tank or sewer system shall be required to connect to the county public sewer system if they meet the aforementioned vicinity and distance requirements for new structures and/or facilities, subdivisions, and developments.

(b) *Transfer of approved sewer systems to ownership by Franklin County.* The developer and/or owner of any new sewer system in Franklin County which is designed to serve three (3) or greater equivalent residential connections (ERCs) shall assure that such new sewer system meets all required standards of chapter 22, shall seek and obtain approval of the design and its construction by the Public Works Department or its successors and assigns, shall not supply sewer until the new sewer system receives such approvals, and, as a condition precedent to subdivision or site plan approval under chapters 19 and 25 of the Franklin County Code, shall offer such new system at no cost to the County of Franklin for dedication and ownership. The developer and/or owner of any such new sewer system shall follow all applicable regulations and policies of the County of Franklin and shall seek all required approvals for the planning, development and construction of the sewer system. Franklin County may consider acceptance of systems which are offered for dedication and ownership based on an analysis of the sewer system and its location. Those systems which are within 7,500 linear feet of the existing county public sewer system and/or within the anticipated county sewer service area are higher priority candidates for acceptance by the county. The anticipated county sewer service area and other criteria for acceptance may change over time at the discretion of the Board of Supervisors. Franklin County may accept or reject the ownership of any such sewer system offered to it according to the policies approved by resolution or ordinance. Any new sewer system built solely within the boundary limits of the Towns of Boones Mill or Rocky Mount or the service area of the Ferrum Water and Sewage Authority shall not be required to be offered by the developer and/or owner to Franklin County

(Ord. of 11-19-96, Ch. II, § II-6; Ord. of 2-15-05(1))

Mr. Larry Moore, Assistant County Administrator, presented the proposed new ordinance title Chapter 22: Section 110 General Procedures Addressing Mandatory Connection of New Construction to the Franklin County Public Sewer System.

Ron Willard, Sr., Developer, Willard Construction, asked the Board questions regarding the sewer system for the Westlake Overlay and areas outside of the Westlake Overlay district.

(RESOLUTION #12-09-2008)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the aforementioned new ordinance titled Chapter 22: Section 110 General Procedures Addressing Mandatory Connection

of New Construction to the Franklin County Public Sewer System as advertised Westlake Overlay District.

MOTION BY: Wayne Angell
 SECONDED BY: David Hurt
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

SEDIMENT POND CLEANING BID AWARD

Richard E. Huff, II, County Administrator, presented a request regarding the Sediment Pond Cleaning bid award. Mr. Huff advised the Board in September of 2005, the cleaning out of the sediment pond was bid and completed in October, 2005. F & B Contractors, LTD. was awarded the bid for \$22,920.00.

Staff advertised for the sediment pond cleaning in the Franklin News Post on Friday, September 5th & 12th, 2008 editions and Wednesday, September 10th, 2008 edition in the SM Eagle. Bids for the sediment pond cleaning were received on Friday, September 19th, 2008 at 3:00 PM. The funds for the work are available from the Landfill Development Account (# 3000-036-0005-3002) which is included as a budget item. This work is required by DEQ.

The County received five (5) bids. The lowest bid was from F & B Contractors LTD for \$25,495.00. All bids are as follows:

F & B Contractors LTD	\$25,495.00
D. E. Worley Construction	\$34,500.00
Osborne Company Inc.	\$37,000.00
Paul R. Shively Inc.	\$46,000.00
J. W. Stanley	\$69,750.00

RECOMMENDATION:

It is respectfully requested that the Board of Supervisors authorize the County Administrator to award the bid for the sediment pond cleanout at the Franklin County Landfill to F & B Contractors LTD. for \$25,495.00. A contract for the approved work will be prepared by County legal counsel prior to award of the bid.

(RESOLUTION #13-09-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the appropriation and to award the sediment pond cleanout to *F & B Contractors, LTD* in the amount of \$25,495.00.

MOTION BY: Wayne Angell
 SECONDED BY: David Cundiff
 VOTING ON THE MOTION WAS AS FOLLOWS:
 AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

FRANKLIN COUNTY HEALTH DEPARTMENT

Richard E. Huff, II, County Administrator, stated at last week's Board of Supervisors meeting, the Board declared three vehicles "surplus". Among the vehicles declared surplus was a 1998 Ford F-150 Pick-up which was taken out of services by Public Safety.

The Franklin County Health Department currently pays their sanitarians mileage reimbursement for operation of their personal vehicles while performing their daily inspections, etc.

The County recently received a request from that department to consider re-allocating any suitable vehicles (that have been taken out of regular County service) to that Department. The result of such vehicle transfer would hopefully reduce the amount of mileage reimbursement being paid out (see attachment). It should be noted that Henry County has provided similar vehicles to the Department for use in that County.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the Health Department request. The approval would be based on the following conditions:

- The vehicle is accepted "as is" and the Health Department would be responsible for all maintenance, insurance and other operating costs.
- The vehicle will be used primarily for services provided in Franklin County.
- After taking the vehicle out of service (for whatever reason), the department will turn the vehicle back over to the County for proper disposal and proceeds thereafter.

(RESOLUTION #14-09-2008)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve staff's recommendation as submitted.

MOTION BY: Wayne Angell

SECONDED BY: David Hurt
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Cundiff, Angell, Johnson, Thompson & Wagner

Russ Johnson, Gills Creek District, continued discussion regarding the newly adopted ordinance titled 22-110 mandatory hook-up within the Westlake Overlay District and areas outside the Overlay District. General discussion ensued.

Chairman Wagner adjourned the meeting.

CHARLES WAGNER
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR